

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

---

IN RE CATTLE AND BEEF ANTITRUST  
LITIGATION

Case No. 20-cv-01319 (JRT/HB)

*This document relates to:*

ALL CASES

---

**PLAINTIFFS' MOTION TO COMPEL DOCUMENT CUSTODIANS**

Plaintiffs respectfully move this Court, pursuant to Rule 26 of the Federal Rules of Civil Procedure, for an order compelling Defendants to name the following individuals as document custodians in accordance with the ESI Protocol:

***Tyson***

- The slaughter and fabrication managers at Tyson's Amarillo, TX plant
- The general, slaughter, and fabrication managers at Tyson's Holcomb, KS plant
- The general, slaughter, and fabrication managers at Tyson's Dakota City, NE plant
- Thomas Hayes
- Brad Bodine
- Todd Nogelmeier
- Mark Gingerich
- Jason Robertson
- Roel Andriessen

- Nathan Hodne

*JBS*

- The general, slaughter, and fabrication managers at JBS's Greeley, CO plant
- The general, slaughter, and fabrication managers at JBS's Grand Island, NE plant
- Ryan Wagnon
- Wesley Batista
- John Flynn
- Chris Jensen
- Jason Kuan

*Cargill*

- The general, slaughter, and fabrication managers at Cargill's Friona, TX plant
- The general, slaughter, and fabrication managers at Cargill's Schuyler, NE plant
- The general, slaughter, and fabrication managers at Cargill's Dodge City, KS plant
- Nancy Lucas
- Charles Fox
- Daniel Johnson

*National Beef*

- The slaughter and fabrication managers at National Beef's Liberal, KS plant
- The slaughter and fabrication managers at National Beef's Dodge City, KS plant

- John Surman
- David Grosenheider
- Mark Domanski
- Randy Johnson
- Zack Kimbell

The grounds for this motion are set forth and supported in the accompanying memorandum, the arguments of counsel, and all of the papers and proceedings in this matter.

Dated: February 25, 2022

Respectfully Submitted,

**ROBINS KAPLAN LLP**

/s/ Geoffrey H. Kozen

Geoffrey H. Kozen (Bar No. 0398626)

Thomas J. Undlin (Bar No. 0183751)

Stacey P. Slaughter (Bar No. 0296971)

K. Craig Wildfang (Bar No. 0117043)

Eric P. Barstad (Bar No. 0398979)

800 LaSalle Avenue

Suite 2800

Minneapolis, MN 55402

Tel: 612-349-8500

Fax: 612-339-4181

gkozen@robinskaplan.com

tundlin@robinskaplan.com

sslaughter@robinskaplan.com

kcwildfang@robinskaplan.com

ebarstad@robinskaplan.com

*Liaison Counsel for the Cattle Plaintiffs*

Christopher M. Burke (*pro hac vice*)

**SCOTT+SCOTT**

**ATTORNEYS AT LAW LLP**

600 W. Broadway, Suite 3300

San Diego, CA 92101

Tel.: 619-233-4565

Fax: 619-233-0508

cburke@scott-scott.com

David R. Scott (*pro hac vice*)

Amanda F. Lawrence (*pro hac vice*)

Patrick J. McGahan (*pro hac vice*)

Michael P. Srodoski (Bar No. 0398250)

**SCOTT+SCOTT**

**ATTORNEYS AT LAW LLP**

156 South Main Street

P.O. Box 192

Colchester, CT 06415

Tel.: 860-537-5537

Fax: 860-537-4432

david.scott@scott-scott.com

alawrence@scott-scott.com

pmcgahan@scott-scott.com

msrodoski@scott-scott.com

Anthony F. Fata (*pro hac vice*)

Jennifer W. Sprengel (*pro hac vice*)

Daniel O. Herrera

Kaitlin Naughton

**CAFFERTY CLOBES MERIWETHER &  
SPRENGEL LLP**

135 South LaSalle St., Suite 3210

Chicago, IL 60603

Tel.: 312-782-4882

Fax: 312-782-4485

afata@caffertyclobes.com

jsprengel@caffertyclobes.com

dherrera@caffertyclobes.com

knaughton@caffertyclobes.com

Ellen Meriwether (*pro hac vice*)  
**CAFFERTY CLOBES MERIWETHER &  
SPRENGEL LLP**  
205 N. Monroe St.  
Media, PA 19063  
Tel.: 215-864-2800  
emeriwether@caffertyclobes.com

*Interim Co-Lead Counsel for the Cattle  
Plaintiffs*

Michael L. Schrag (*pro hac vice*)  
Joshua Bloomfield (*pro hac vice*)  
George Sampson (*pro hac vice*)  
Kyla Jenny Gibboney  
**GIBBS LAW GROUP LLP**  
505 14th Street, Suite 1110  
Oakland, CA 94612  
Tel: (510) 350-9700  
mls@classlawgroup.com  
jjb@classlawgroup.com  
gws@classlawgroup.com  
kjb@classlawgroup.com

David E. Kovel (*pro hac vice*)  
Thomas W. Elrod (*pro hac vice*)  
Karen M. Lerner (*pro hac vice*)  
Anthony E. Maneiro (*pro hac vice*)  
**KIRBY McINERNEY LLP**  
250 Park Avenue, Suite 820  
New York, NY 10177  
Tel: (212) 371-6600  
dkovel@kmlp.com  
telrod@kmlp.com  
klerner@kmlp.com  
amaneiro@kmlp.com

Richard M. Paul III (*pro hac vice*)  
Sean Cooper (*pro hac vice forthcoming*)  
**PAUL LLP**  
601 Walnut Street, Suite 300  
Kansas City, Missouri 64106  
Tel: (816) 984-8100  
Rick@PaulLLP.com  
Sean@PaulLLP.com

Melissa S. Weiner (Bar No. 0387900)  
**PEARSON, SIMON & WARSHAW, LLP**  
800 LaSalle Avenue, Suite 2150  
Minneapolis, MN 55402  
Tel: (612) 389-0600  
mweiner@pswlaw.com

Bruce L. Simon (*pro hac vice*)  
**PEARSON, SIMON & WARSHAW, LLP**  
44 Montgomery Street, Suite 2450  
San Francisco, CA 94104  
Tel: (415) 433-9000  
bsimon@pswlaw.com

Daniel L. Warshaw (*pro hac vice*)  
Bobby Pouya (*pro hac vice*)  
Matthew A. Pearson (*pro hac vice*)  
**PEARSON, SIMON & WARSHAW, LLP**  
15165 Ventura Blvd., Suite 400  
Sherman Oaks, CA 91403  
Tel: (818) 788-8300  
dwarshaw@pswlaw.com  
bpouya@pswlaw.com  
mapearson@pswlaw.com

*Plaintiffs' Executive Committee*

/s/ Shana E. Scarlett

Shana E. Scarlett (*pro hac vice*)

Rio S. Pierce (*pro hac vice*)

**HAGENS BERMAN SOBOL SHAPIRO  
LLP**

715 Hearst Avenue, Suite 202

Berkeley, California 94710

Tel: (510) 725-3000

Fax: (510) 725-3001

shanas@hbsslaw.com

riop@hbsslaw.com

Steve W. Berman (*pro hac vice*)

Breanna Van Engelen (*pro hac vice*)

**HAGENS BERMAN SOBOL SHAPIRO  
LLP**

1301 Second Avenue, Suite 2000

Seattle, Washington 98101

Tel: (206) 623-7292

Fax: (206) 623-0594

steve@hbsslaw.com

breannav@hbsslaw.com

W. Joseph Bruckner (MN #0147758)

Brian D. Clark (MN #0390069)

Arielle S. Wagner (MN #0398332)

Kyle Pozan (*pro hac vice*)

R. David Hahn (MN #0401262)

**LOCKRIDGE GRINDAL NAUEN P.L.L.P.**

100 Washington Avenue South,  
Suite 2200

Minneapolis, MN 55401

Tel: (612) 339-6900

Fax: (612) 339-0981

[wjbruckner@locklaw.com](mailto:wjbruckner@locklaw.com)

[bdclark@locklaw.com](mailto:bdclark@locklaw.com)

[aswagner@locklaw.com](mailto:aswagner@locklaw.com)

[kjpozan@locklaw.com](mailto:kjpozan@locklaw.com)

[rdhahn@locklaw.com](mailto:rdhahn@locklaw.com)

*Interim Co-Lead Class Counsel for  
Plaintiffs in the Peterson Action*

/s/ Joshua J. Rissman

Daniel E. Gustafson (MN #202241)

Daniel C. Hedlund (MN #258337)

Michelle J. Looby (MN #0388166)

Joshua J. Rissman (MN #0391500)

**GUSTAFSON GLUEK PLLC**

Canadian Pacific Plaza

120 Sixth Street, Suite 2600

Minneapolis, MN 55402

Tel: (612) 333-8844

Fax: (612) 339-6622

[dgustafson@gustafsongluek.com](mailto:dgustafson@gustafsongluek.com)

[dhedlund@gustafsongluek.com](mailto:dhedlund@gustafsongluek.com)

[mlooby@gustafsongluek.com](mailto:mlooby@gustafsongluek.com)

[jrissman@gustafsongluek.com](mailto:jrissman@gustafsongluek.com)

Dennis J. Stewart (*pro hac vice*)

**GUSTAFSON GLUEK PLLC**

600 B Street, 17th Floor

San Diego, CA 92101

Tel: (612) 333-8844

Fax: (612) 339-6622

[dstewart@gustafsongluek.com](mailto:dstewart@gustafsongluek.com)

Adam J. Zapala (*pro hac vice*)

Elizabeth Tran Castillo (*pro hac vice*)

Reid W. Gaa (*pro hac vice*)

**COTCHETT, PITRE & MCCARTHY, LLP**



840 Malcolm Road, Suite 200  
Burlingame, CA 94010  
Telephone: (650) 697-6000  
Facsimile: (650) 697-0577  
azapala@cpmlegal.com  
ecastillo@cpmlegal.com  
rgaa@cpmlegal.com

Alexander E. Barnett (*pro hac vice*)  
**COTCHETT, PITRE & McCARTHY, LLP**  
40 Worth Street, 10th Floor  
New York, NY 10013  
Telephone: (212) 201-6820  
Facsimile: (917) 398-7753  
abarnett@cpmlegal.com

Jason S. Hartley (*pro hac vice*)  
**HARTLEY LLP**  
101 W. Broadway, Suite 820  
San Diego, CA 92101  
Tel: (619) 400-5822  
hartley@hartleyllp.com

Megan E. Jones (*pro hac vice forthcoming*)  
**HAUSFELD LLP**  
600 Montgomery Street, Suite 3200  
San Francisco, CA 94111  
Tel: (415) 633-1908  
mjones@hausfeld.com

*Interim Co-Lead Counsel for the Proposed  
Direct Purchaser Plaintiffs*

/s/ Blaine Finley  
Jonathan W. Cuneo (*pro hac vice*)  
Blaine Finley (*pro hac vice*)  
**CUNEO GILBERT & LADUCA, LLP**

4725 Wisconsin Ave., NW, Suite 200  
Washington, DC 20016  
Tel: (202) 789-3960  
jonc@cuneolaw.com  
bfinley@cuneolaw.com

Shawn M. Raiter (MN #240424)  
**LARSON KING LLP**  
30 East Seventh Street, Suite 2800  
Street Paul, MN 55101  
Tel: (651) 312-6518  
sraiter@larsonking.com

Don Barrett (*pro hac vice*)  
Katherine Barrett Riley (*pro hac vice*)  
David McMullan (*pro hac vice*)  
Sterling Starns (*pro hac vice*)  
**BARRETT LAW GROUP, P.A.**  
P.O. Box 927  
404 Court Square North  
Lexington, Mississippi 39095-0927  
Tel: (662) 834-9168  
Fax: (662) 834-2628  
donbarrettpa@gmail.com  
kbriley@BarrettLawGroup.com  
dmcmullan@BarrettLawGroup.com  
sstarns@barrettlawgroup.com

*Counsel for Commercial and Institutional  
Indirect Purchaser Plaintiff Erbert & Gerbert's,  
Inc.*

Patrick J. Ahern (*pro hac vice*)  
Theodore B. Bell (*pro hac vice*)  
**AHERN AND ASSOCIATES, P.C.**  
Willoughby Tower  
8 South Michigan Avenue, Suite 3600  
Chicago, Illinois 60603  
Tel: (312) 404-3760  
patrick.ahern@ahernandassociatespc.com  
theo.bell@ahernandassociatespc.com

Patrick J. Lee-O'Halloran (#269074)  
**THOMPSON TARASEK LEE-  
O'HALLORAN PLLC**  
7101 York Avenue South, Suite 255  
Edina, MN 55435  
Tel: (612) 568-0132  
Fax: (612) 564-6976  
patrick@ttlolaw.com

*Counsel for Plaintiffs Winn-Dixie Stores, Inc.,  
and Bi-Lo Holding, LLC*